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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,422	08/31/2000	MASAHIRO MINOWA	P5280A	4672

20178 7590 01/12/2005

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EXAMINER

PARK, CHAN S

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/653,422	Applicant(s) MINOWA, MASAHIRO	
	Examiner CHAN S PARK	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23 is/are rejected.
- 7) ☒ Claim(s) 1-15 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 9/14/04, and has been entered and made of record. Currently, **claims 1-13, 15, 23 and 24** are pending.

Response to Arguments

2. Applicant's arguments with respect to **claim 23**, have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments, see pages 7-9, filed 9/14/04, with respect to claims 1-14 and 15 have been fully considered and are persuasive. The rejections of claims 1-14 and 15 have been withdrawn.

Claim Objections

The following quotations of 37 CFR § 1.75(d)(1) is the basis of objection:

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See § 1.58(a)).

4. Claim 1 recites the limitation "a second specific area of memory" and "a third specific area of memory". There is insufficient antecedent basis for this limitation in the claim. Perhaps, "a second specific area of memory" and "a third specific area of memory" should be replaced with "a second specific area of the memory" and "a third specific area of the memory" respectively.

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"a" should be added in front of "nonvolatile memory" in the limitation (d).

5. Claim 13 objected to because of the following informalities:

"the" should be added in front of "memory" in the fourth line of the limitation (g).

Appropriate correction is required.

The following quotations of 37 CFR 1.75(a) is the basis of objection:

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

6. Claim 13 is objected to under 37 CFR 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

Claim 13 recites the limitation "the storage processor stores the time information... obtained from the time information obtaining means in memory". It is unclear if "the time information" is referring to the time/date of the installation of the one replaceable unit claimed in claim 13 or the time when signal was outputted. Additionally, it is unclear if "memory" is referring to the usage limit memory or the nonvolatile memory.

The examiner makes a following suggestion:

Replace the addressed limitation with "the storage processor stores another time information,... obtained from the time information obtaining means in the usage limit memory..."

Similar correction is required for (g) of claim 24.

7. Claim 23 is objected to because of the following informalities: Perhaps "memory" should be replaced with "the memory" in the first line of limitation (d). Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okui U.S. Patent No. 5,950,038 in view of Hirst et al. U.S. Patent No. 5,930,553 (hereinafter Hirst).

8. With respect to claim 1, Okui teaches a control method for a printer having a printing processor for printing at least one of text and graphics, a holder for holding a replaceable unit used in conjunction with the printing processor (fig. 10), and nonvolatile memory comprising a plurality of areas for storing data (figs. 12 & 13), comprising:

detecting at least one of removal, installation, or replacement of a replaceable unit in the holder (col. 10, lines 28-32);

calculating a cumulative amount relating to a specific function of a functional part of the removed, installed, or replaced replaceable unit starting from detection of at least one of removal, installation or replacement (col. 9, line 65 – col. 10, line 11 & col. 10, lines 28-46); and

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storing in a plurality of specific areas in memory, separately for each of one of a plurality of removed, installed, or replaced replaceable units (developing unit and fixing unit in figs. 12 & 13), a cumulative amount relating to a specific function of each one of the plurality of removed, installed, or replaced replaceable units (figs 12 & 13).

Okui, however, does not explicitly teach the method of obtaining at least the date when at least one of removal, installation, or replacement of the removed, installed, or replaced replaceable unit is detected.

Hirst, the same field of endeavor of printing art, teaches a control method for a printer, comprising:

printing at least one of text and graphics (col. 4, lines 25-27);

holding one of a plurality of replaceable units (toners) used in conjunction with the printing processor (col. 4, lines 29-32);

detecting at least one of mounting or replacement of the one replaceable unit in the holder (col. 4, lines 52-67);

metering an amount related to a specific function of the one replaceable unit (col. 5, lines 7-24); and

obtaining at least the date when at least one of removal, installation, or replacement of the removed, installed, or replaced replaceable unit is detected (col. 1, lines 8-13; col. 3, lines 40-42 & col. 4, lines 52-67).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the method of obtaining the installation date of Hirst with the printing method of Okui.

The suggestion/motivation for doing so would have been to inform the user when a particular replaceable unit is installed or replaced.

Therefore, it would have been obvious to combine Okui and Hirst to obtain the invention as specified in claim 23.

Allowable Subject Matter

9. Claims 1-13 and 15 would be allowable if rewritten to overcome 37 CFR § 1.75(d)(1).

10. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and rewritten to overcome 37 CFR 1.75(a) objection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan S. Park
Examiner
Art Unit 2622

csp
January 10, 2005


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